

Applicant: Carl J. Conforti
Serial No.: 10/796,438

REMARKS

Applicant respectfully submits the revised amendments final amendments to the claims based on the interview held with the examiner with a 30 day response time without prejudice and without adding new matter to the specifications as filed.

A divisional application has been filed for a second elect species. The applicant also has canceled claims based on the office action response date 5/30/08, and would ask the examiner to review the attached references and combination of claims for allowance.

Claims Amended:

Claim 8 was cancelled

Claim 7 Amended "vertically suspended" omitted

Claim 11 Amended "body of apparatus"

Claim 27 Amended "vertically suspended" omitted

Claim 26 refers to bio-degradeable and environmentally friendly. References are made in the specification page 12, line 8 "environmentally friendly" and such page 13 line 3 and page 14 line 8 (material references).

Claim 27 "the sleeve" changed to clarify the claim as written.

Note: The applicant emphasizes the self stick material presented on one side of the material is new and useful in this invention. The material designated can be selectively configured to a portion of the body of the apparatus to seal an area located from the first end of the apparatus to the second sealed end of the apparatus as defined by the specification.

In reference to claim 7, the first end can receive articles in an open position and seal odors at the flap. The bag and receptacle are one of the same, a one piece design, and the funnel and seal is located within the body of the bag. When an article passes through the open receiving end (first end), the bag is sealed, until the article passes through the area in the chamber that is tapered and sealed at the end of the taper.

Reference is emphasized on a body material that is self sticking on one side only. This material is formulated as an extruded film LLDPE that will self stick to itself on one side only. Provisional application illustrates a material welded /and or attached to one side of the panel providing a low cost economical design for manufacturing. This material is processed for protecting surfaces and offers the advantage of sealing on one side only without self adhering on its backside.

US Patent reference 5 116,139 Young, fails to teach or illustrate the new amended claims; An apparatus having a bag with a receiving end, body and odor seal within the body that comprises of a one sided self stick material on one side. Although materials that are commonly found on the market such as LDPE and HDPE are used with storage bags, these are typically extruded with a slip agent to prevent them from sticking, and these materials are homogenous where in the material properties are the same through out and typically slip on both sides. They are also extruded where they stick on both sides and that would make the fabrication of the bag difficult and the end user frustrated if the bag was rolled, folded or other methods of packaging. In addition, the applicant has a dependent claim of odor masks, scent or antibacterial additive and a second environmentally friendly bio-degradable material that is requested to the examiner to add to the independent claim to narrow the scope of the claim as filed for allowance.

"The applicant also has added to the claims structure of the proposed invention a bag material that adheres to itself having at least one wall or side of the bag or opening with a self adhering property to seal out odors. " This was in the previous amendment and the applicant requests the examiner to reconsider this unique feature over Young and other cited references.

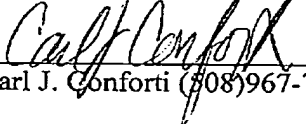
Young does not teach, illustrate or present a method to construct a one piece design, odor containment apparatus bag that is clearly illustrated and specified by the applicant, nor claims materials that is self stick to one side, bio-friendly or provides an odor producing mask.

The claims as filed or combinations of Claim 7, 9 and 10 or Claims 23 and 24 , or Claims 27, 28 and 29 are requested for examiner's allowance. As written or in combination there of , the applicant asks the examiner to review this response for allowance with emphasis on the invention as filed in the provisional and non provisional application.

The applicant respectfully requests the Examiner's assistance in combining or compiling one independent claim from the specification and comments filed in this response. The applicant requests the examiner to assist the applicant in reviewing this response.

Based on the foregoing, this application is believed to be in allowable condition, and a notice to that effect is respectfully requested.

Respectfully submitted,


Carl J. Conforti (808)967-7207